l.	I and the second					
1	LAW OFFICE OF TODD D. LERAS					
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3	Sacramento, California 95814					
4	(916) 504-3933 toddleras@gmail.com					
5	Attorney for Defendant NEHEMIAH AVILA					
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7						
8	UNITED STATES DISTRICT COURT					
9	EASTERN DISTRICT OF CALIFORNIA					
10						
11	UNITED STATES OF AMERICA,	Case No.: 2	2:21-cr-020 MCE			
12	Plaintiff,					
13	VS.		ΓΙΟΝ AND ORDER			
14			ING STATUS CONFERENCE LUDING TIME UNDER THE			
15	NEHEMIAH AVILA, CEASAR MARTINEZ, and RICARDO MARMOLEJO,		RIAL ACT			
16	Defendants.	Date:	March 25, 2021			
17	Berendunts.	Time: Court:	10:00 a.m.			
18		Court:	Hon. Morrison C. England, Jr.			
19						
20]				
21	Plaintiff United States of America by and through Assistant United States Attorney					
22	Michael Beckwith, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Assistan					
23						
24	Tederal Detender Hamian Lavaree on behan of Detendant Ceasar Martinez, and Attorney Dina					
25	Santos on behalf of Defendant Ricardo Marmolejo, stipulate as follows:					
26	1. This matter is presently set for an initial status conference on March 25, 2021. By					
27 28	this stipulation, Defendants Avila, Martinez, and Marmolejo move to continue the ORDER CONTINUING STATUS CONFERENCE					
	CONFERENCE					

status conference to April 22, 2021.

ORDER CONTINUING STATUS CONFERENCE

2. This case involves a conspiracy to distribute controlled substances. Investigation of the matter included the use of court-authorized wiretaps. The government has provided defense counsel with some offense reports and indicates that a significant volume of material related to phone calls intercepted pursuant to the wiretaps is being prepared for production as discovery. Defense counsel requires additional time to review these materials with their respective clients and to conduct investigation as to potential defenses. Efforts to conduct defense investigation are currently hampered by the ongoing COVID-19 pandemic.

- 3. The Chief Judge for the Eastern District of California has issued a series of orders, including General Orders 612, 617, 618, 620, 624, and 628, restricting access to federal courthouses within the district since March 18, 2020. The most recent of these orders, General Order 628, issued on January 4, 2021, extended the courthouse restrictions for 90-days from the issuance date or until approximately April 5, 2021.
- 4. Given the need for defense investigation, Defendants Avila, Martinez, and Marmolejo request to continue the status conference in this matter to April 22, 2021, at 10:00 a.m., and to exclude time between March 25, 2021 and April 22, 2021, inclusive, under Local Code T-4. The United States does not oppose this request.
- 5. All defense counsel represent and believe that failure to grant additional time as requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable time necessary for effective preparation, considering the exercise of due diligence.

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6. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request that the Court find that the ends of justice served by continuing the case as requested outweigh the best interest of the public and the Defendants in a trial within the time prescribed by the Speedy Trial Act.

- 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of March 25, 2021 to April 22, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court at Defendants' request on the basis that the ends of justice served by taking such action outweigh the best interest of the public and the Defendants in a speedy trial.
- 8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Assistant U.S. Attorney Michael Beckwith, Assistant Federal Defender Hannah Labaree on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo Marmolejo have reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on behalf of their respective clients.

DATED: March 22, 2021 PHILLIP A. TALBERT
Acting United States Attorney

By <u>/s/Todd D. Leras for</u>
MICHAEL BECKWITH
Assistant United States Attorney

ORDER CONTINUING STATUS CONFERENCE

1	DATED: March 22, 2021		
2		Ву	/s/ Todd D. Leras
			TODD D. LERAS
3			Attorney for Defendant NEHEMIAH AVILA
4	DATED: March 22, 2021		TABILIANI AT A TEA
5		Ву	/s/ Todd D. Leras for
			HANNAH LABAREE, Assistant Federal Defender
6			OFFICE OF THE FEDERAL
7			DEFENDER
8			Attorneys for Defendant
	DATED: March 22, 2021		CEASAR MARTINEZ
9	DATED: March 22, 2021	Bv	/s/ Todd D. Leras for
10		<i></i>	DINA SANTOS
11			Attorney for Defendant
			RICARDO MARMOLEJO
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28	ORDER CONTINUING STATUS CONFERENCE		

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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for March 25, 2021, is vacated. A new status conference is scheduled for April 22, 2021, at 10:00 a.m. The Court further finds, based on the representations of the parties and the request of all defense counsel, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from March 25, 2021, up to and including April 22, 2021.

IT IS SO ORDERED.

Dated: March 29, 2021

MORRISON C. ENGLAND, JR

SENIOR UNITED STATES DISTRICT JUDGE

ORDER CONTINUING STATUS CONFERENCE